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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/449,887	11/30/1999	HENRY C. YUEN	36524/RRT/11	6840

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 08/13/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/449,887

Applicant(s)

YUEN, HENRY C.

Examiner

Vivek Srivastava

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/28/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-8, 30-34 and 42-46 is/are allowed.
- 6) ☒ Claim(s) 1, 9-12, 14-23, 25-29 and 36-41 is/are rejected.
- 7) ☒ Claim(s) 13, 24 and 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

The applicant argues that Williams fails to disclose the claimed “iteratively integrating the collected user selections data with the statistical data and the psycho-demographic information about the user that is based on probability-based character traits”.

The Examiner respectfully disagrees. Williams discloses, “If there is greater than a predetermined **probability** that the information in the behavior log matches the user profile of one of the known users, system controller determines that a match has been made, and, in step 308, configures system 100 in accordance with the user preference information of the user profile database 800.” Matching of the behavior log to the profile is based on probability character traits, i.e. preferred channels, viewing times, genres etc. (see col 6 lines 50 – 67). The user profile is matched and the system is configured according to user selections, statistical data (probability data) and psycho-demographic information (user behavior log). As a result, the Applicant’s arguments are not persuasive.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 9-12, 14-16, 18-21 and 25-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Williams et al.

Considering claim 1, Williams discloses a method of determining a user profile based on the viewer's profile and on the probabilities and weights (see col 7 lines 30-42, col 9 lines 50-60 and col 10 lines 6-25) and discloses collecting data about user selections (col 5 lines 40-67). Based on probability data and actual data selected and the data monitored via user selections, Williams infers or compiles a user profile and suggests and configures programming according to a user's taste (see col 7 lines 30-42, col 9 lines 50-60 and col 10 lines 6-25). Williams further discloses determining the user selections and using probability information based on user traits or psycho demographic information (see user behavior log in col 9 lines 41 – 59) to infer the profile of the user and thus discloses the claimed "iteratively integrating" step.

Considering claims 9-11, Williams discloses the claimed television viewer having a TV and collecting data about the viewer's program selections and programs selected in an EPG (col 7 lines 30-58, col 5 lines 52-67).

Considering claim 12, Williams discloses the step of collecting comprises collecting data about television programs scheduled for recording or watching in an EPG (see col 11 line 61 – col 12 line 28).

Considering claims 14-16, 26 and 27, Williams discloses targeting video advertisement in the form of commercials (see col 6 lines 25-49).

Considering claim 18, Williams discloses a user having identify him or her self to access the profile data and thus discloses the claimed secure file (see col 11 lines 1-20).

Considering claim 19, Williams discloses the claimed EPG database at the receiver, including time, channel and program category identifiers of programs and collecting data about the program categories of the telecast programs (see col 15 line 39 – col 16 line 19, col 7 lines 30-59, fig 8).

Considering claims 20-21, Williams discloses the claimed wherein a user is an internet user, collecting data about web pages or internet sites visited (see col 8 lines 14-40, col 16 lines 1-19).

Considering claim 25, Williams discloses the claimed targeting information to the Internet user based on the user profile (col 6 lines 5-30, col 8 lines 4-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17, 22, 23, 28, 29 and 36-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al.

Regarding claim 17, Williams fails to disclose the claimed displaying an advertisement simultaneously with an EPG. The Examiner Takes Official Notice it would have been well known in the art to display a targeted commercial with and EPG for simultaneous display to enhance a viewers viewing experience while provided only those advertisements which a viewer would find appealing.

Regarding claim 22, Williams fails to disclose the claimed collecting data about products purchased by the user from the internet. The Examiner Takes Official Notice it would have been well known to collect data about products purchased from website for determining statistical or demographic information. Therefore, it would have been obvious to modify Williams to include the claimed limitation to provide a quick means for determining useful statistical or demographical information.

Regarding claim 23 and 28, Williams fails to disclose accessing the internet is initiated from and EPG page. The Examiner Takes Official Notice that it would have been well known to access the internet from the EPG thus providing all interactive functions from a single screen. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Williams to include the claimed limitation to provide all the interactive functions of a television from a single EPG screen.

Regarding claims 29 and 39, Williams discloses a system and method of monitoring user selections, iteratively collecting data about the user selections, iteratively assigning probabilities and inferring the profile of a user as discussed in claim 1 above. Williams further discloses a plurality of unique characteristic segments included in the profile i.e., a user's top ten shows, most frequently watched shows, most frequently watched channel, favorite genres, favorite actors etc. (see col 6 line 5 – col 7 line 19). Williams further discloses determining the user selections and using probability information based on user traits or psycho demographic information (see user behavior log in col 9 lines 41 – 59) to infer the profile of the user and thus discloses the claimed "iteratively integrating" and "integrating" step.

Williams fails to disclose a system and method for integrating each of the collected unique characteristics segments with assigned probabilities derived from the general populous statistical data and with the psycho-demographic information about the user. It would have been well known to derive viewing profiles from user's preferences and statistical data of the general populous and it would have been obvious deriving viewing profiles from a user's preferences and statistical data of the general populous would have provided a better system for providing a user with preferential programming since the most popular programs deemed from statistical populous data would have also been provided.

Considering claims 36-38, Williams discloses the claimed external data collected, one or more of user information, feedback information, inherent information and inferred information and user assignable weighting (see col 9 line 11 – col 10 line 25).

Considering claim 40, Williams discloses the claimed integrating and inferring is local to the user (see col 5 line 20 – col 6 line 24, col 9 line 18 – col 10 line 25).

Regarding claim 41, Williams fails to disclose the claimed means for integrating and means for inferring is remote to the user. The Examiner Takes Official Notice it is well known in the art to include integrating and inferring viewer preference information remote from the user like at a headend to reduce the hardware and software required at the user site. Therefore, it would have been obvious to include the claimed limitation to reduce the software and hardware required at the user's site.

Allowable Subject Matter

Claims 2 – 8, 30 – 34 and 42 - 46 are allowed.

Claims 13, 24 and 35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Herz et al (5,758,257) – Scheduling data using customer profiles

Seidman et al (6,298,482) – Multimedia and interactive services

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308- 5399 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (703) 305

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- 4038. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andy Faile, can be reached at (703) 305 - 4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 305 - 3900.

VS

8/5/03



**VIVEK SRIVASTAVA
PRIMARY EXAMINER**